### CHARGE TO STORAGE PROBERS

ANY COMBINATION TO RAISE PRICES IS CONSPIRACY.

Justice Swayze Gees Back to the Days Pharach-Makes No Distinction Cold Storage and Warm-Act st Have Been Done in the County.

Supreme Court Justice Francis J. Swayze delivered a special charge to the on county, N. J., Grand Jury at the Court House in Jersey City yesterday afternoon on the subject of the cold ctorage investigation now in progress He said that the storage of foodstu may have an object consistent with public fare and pointed out that the first table illustration of the wisdom of food accumulation dates back to the ays of Pharaoh, when as a result of 's interpretation of Pharach's cam grain was stored up in the seven teous years for use when the seven ean years came.

The Justice told the jurors that if the ce taken before them renders it bable that a combination of indiduals or concerns exists an indictment r conspiracy would be justified pro-"merely to enhance the price of uffs and has no lawful aim" and that "the acts done in furtherance of the ombination directly, and not merely incidentally, enhance the price." In the urse of his charge the Justice said:

The concentration of a vast population around such a point as New York city and original sources of food supply render It a necessity that quantities of food large ount but small in proportion to the ation to be fed should be accumulated and held for longer or shorter periods in nuistion, made in times of plenty to meet be public need in times of scarcity, does ulation was the public injury; it may even be for the public weal, for al-though it may tend to raise prices in the enty it ought under proper mantend to keep them down at

of our earliest records deals with ject. The Book of Genesis gives us unt of the interpretation by Joseph of Pharaoh's dream of the lean and the kine, and the advice which followed

New, therefore, let Pharaoh look ou man discreet and wise and set him over he land of Egypt. Let Pharaoh do this, d and take up the fifth part of the land Egypt in the seven plenteous years. d let them gather all the food of those good years that come and lay up grain all be for a store to the land against the ven years of famine which shall be in a land of Egypt; that the land perish not

result of this forethought was, as on will remember, that when the seven an years came, "There was famine in lead; but in all the land of Egypt there as bread." I refer to this only by way stration, but it suffices to show that orage of food may have an object

ent with the public welfare. If upon the evidence you think that was object in the present case you should renders it probable that the object nulating foodstuffs and holding old storage was merely to enhance the to the public injury an indictment d be proper. I say if the object was ly to enhance the price, for it is clear the carrying out of a lawful purpose may have a tendency to enhance the price ever may be said of the right civil remedy in such a case, there is no indictment if the aim was lawful and the enhancement of price was intal only to the execution of that law-

order that an indictment may be justiingle corporation, however large, should (2) that the combination have for its object merely to enhance the price of food stuffs and have no lawful aim: (3) that the acts done in furtherance of the combination directly, and not merely incidentally, enhance the price.

dictment can be found in the county of That can only be the case if the orime, if crime there be, was committed in The gist of the crime of conspiracy is the combination; it is the illegal agreement that constitutes the crime, but it has been decided that an indictment may be had in this State and when the piracy is found in another State if it can be proved that an overt act was done here by some of the conspirators in further ance of their common design.

think any overt act in this State is one for an indictment, you may find one if the proof shows either a conspiracy therance of a common design committed in county in furtherance of a common design formed elsewhere. Such an ac could be the storage of foodstuffs or the urpose of enhancing the price. After listening to the charge the Grand

After listening to the charge the Grand Jury resumed their investigations. The vitnesses included Ernest A. Hegeler, a former cold storage man of 24 Washington street, Harrison; Dr. John J. Baumann Pen Produce Company, Fourth and Henderson streets, Jersey City; John Westervelt, Armour Packing Company, Fourth and Henderson streets, Jersey City; Robert A. Adams, Union Terminal Cold Storage Company, Jersey City; William Storage Company, Jersey City; William Whiting, Hammond & Co., Ferry and Henderson streets, Hoboken; P. D. Wilson, Nelson Morris & Co., Bayonne; and M. Kleeblatt of Schwarzchild & Sulzerger, Jersey City.

BEEF ANDICTMENT RUMORS. Despite Denials Reports of Early Action Against Trust Continue.

CHICAGO, Feb. 9 .- Rumors that Judge Landis's Federal Grand Jury, which is investigating the alleged beef trust, is investigating the alleged beef trust, afternoon. To-night he was reported was about to vote indictments against to be comfortable. Chicago packers who are believed to be interested in a monopoly of the fresh meat industry were prevalent about the Federal Building to-day despite statements of Government officials that no such action was about to be taken.

The rumor had it that four indictments would first be voted against certain officials of the various packing companies supposed to be interested in the alleged trust. This action is said to have been decided upon after the conclusion of testi-mony of New York witnesses yesterday

Oliver E. Pagan, the Government indictment expert whom Wade H. Ellis brought to Chicago and left here to aid District. Attorney Sims, held several

brought to Chicago and left here to aid Dietrict. Attorney Sims, held several long conferences with Mr. Sims yesterday ind to day was busy with his private steneographer, which lends color to the reports.

Arthur Colby and William E. Weber, respectively, of the National Packing Company, which the Government suspects is the trust, were before the Grand Jury for less than half an hour. When they were accompanied by the Grand Jury shorthand reporter. Mr. Sims and his assistant, James 8, Wilberson, It was explained that a little recess was

Opening Exhibition

# Montross Gallery

550 FIFTH AVE. Above 45th Street,

Dewing Thayer Whistler Tryon

PICTURES BY

To February 26th (OPEN LINCOLN'S BIRTHDAY)

being taken because there were no wit-nesses ready, but instead of moving about nesses ready, but instead of moving about as is customary the grand jurors remained behind locked doors and their voices were heard in earnest discussion. Then all was quiet for a few minutes and District Attorney Sims was sent for.

Arthur F. Rogers, chief accountant in the sales department of Swift & Co., was taken into the Grand Jury room by Mr. Sims and the conference ended. Rollin A. Stearns, a sales accountant under Rogers, was also called this morning as a witness.

TO PROBE HIGH PRICES. senate Passes the Elkins Resolution Wit

WASHINGTON, Feb. 9 .- The Senate to day passed the Elkins resolution authorizing an investigation by a special committee of seven Senators into the causes for the advance in prices. A few amendments were made to the resolution increasing the list of commodities to be covered by the committee in its investigation. Vice-President Sherman was not prepared to-day to announce the names of the special committe, but will probably make them public when the Senate meets to-morrow. Senator Lodge will undoubtedly be the chairman and Senator Elkins and Senator McCumber will doubt

The leaders will recommend that the committee be composed of four Republicans and three Democrats. The Democratic leaders were talking among themselves to-day as to what Democratic Senators should go on the committee. It is understood that Vice-President Sherman will consult them freely as to the minority representation.

Sherman will consult them freely as to the minority representation.

Senator Stone of Missouri, who objected to the consideration of the resolution yesterday, voiced his objections in a speech in the Senate to-day. He declared that there had been "a lot of monkey business in the consideration." He said that the members of the Finance Committee acted as if they had started out with "a purpose to conceal rather than to disclose."

Field's statement that the price of fish has gone down.

"Why, I can remember," he said, "when fish were so cheap that we used to throw them to the cata!"

"True enough," said Mr. Field, "but there wasn't any adequate system of cold storage in those days, and fish was thrown away because it couldn't be kept."

"Why don't we see fish pedlers on the streets any more?" inquired Alderman powling.

tariff law. The fact that Senator Lodge is to be chairman of the committee convinced Senator Stone that no responsibility would be placed upon the traiff law for bringing about the increased cost of

Eggs Cheaper in Chicago CHICAGO, Feb. 9.-Eggs declined again to-day. Select eggs were 27 cents, against 40 cents a few days ago.

Whether agitation against high prices opened storage houses or better weather for the hen was responsible for increased receipts was not explained by dealers.

BOYS DID 17 BURGLARIES. Two Churches on Their List-Reckless With Lead Quarters-They Confess.

James Durkin, 14 years old, and George Corbett 13 both of 881 Wales avenue. have confessed, the police say, to seventeen burglaries that have been worrying Bronx detectives since Christmas. They were arrested yesterday afternoon and will be in the Children's Court to-day. Less than three weeks ago they were

another burglary and were released on parole.

The job for which they were arrested was the theft of several dollars and three lead quarters from John Dozert's butcher shop at Union avenue and 152d street on Saturday night. They got in by the transom. On Sunday night they went to Tammany Hall and passed two of the lead quarters for admission to an Italian dance. Later they bought three beers each. They rode on the subway all night and got out at Third avenue and 149th street, where they gave the third lead quarter to a blind beggar. He bit the counterfeit and threw it away.

On Sunday they went into four more

feit and threw it away.

On Sunday they went into four more places, including the real estate office of Smith & Phelps at 435 East 149th street, where they found no money but did several hundred dollars worth of damage to furniture and pictures. Afraid to go home they broke into an unoccupied. home, they broke into an unoccupied store and slept there. The next morning they tried to steal lead pipe in the store but couldn't cut it.

The boys told the police that two

churches were among the places robbed churches were among the places robbed.

One of them was St. Anselm's, at 155th street and Clinton avenue, where they stole the Christmas money from the poor box. The other was an Episcopal church at 156th street and Leggett avenue, where they got drunk on the communion wine.

Corbett, arrested at his home, told the detectives where they could find the other boy. Durkin was caught behind a fence near St. Anselm's School smoking a big cigar. He ran into the school when he saw the detectives. a big cigar. He ran into the school when he saw the detectives. The charge against them is juvenile

Brooklyn Y. M. C. A.'s New General Secretary.

John W. Cook, who has been State secretary of the Young Men's Christian Association for the last eight years, has accepted a call to become general secretary of the Brooklyn association. secretary of the Brooklyn association. The place has been vacant since the death of the Rev. Edwin F. See, about four years ago. Mr. Cook has been engaged in association work for more than

Second Operation on Gen. Wood. BALTIMORE, Feb. 9 .- A second operation was performed on Gen. Leonard Wood at the Johns Hopkins Hospital this

DOWLING GIVES A HEARING, BUT SAYS IT'S NO USE.

His Ordinance Is Going Through the Board of Aldermen Anyhow-And Oh for the Fish of a Pedler Gone and

Alderman Frank Dowling's proposed ordinance requiring that cold storage meat and fish and other foods for human use shall be so labelled that everybody may know just how long an article has been kept was hotly argued vesterday afternoon, at a hearing given by the Aldermanic Committee on Laws and Legislation. The Aldermen's chamber was crammed with butchers and fishmongers who did not like Dowling's idea.

From time to time dealers got up and insisted that an ordinance of so drastic a character would ruin merchants and greatly increase the price of meats and fish. The representative of a large asso-ciation of wholesale fish dealers said that if the law went through his clients would have to take their business out of New York and move to a State where fair reatment could be got.

Edward F. O'Neill, president of the

United Butchers Association, said that the cold storage of meat was absolutely necessary for from six to nine months Storing had become a science, and the public had complete protection. In the first place, he said, the cold storage houses have developed their business

houses have developed their business to such a point that very little stored food spoils, and in the second place the United States Government, as well as the State and the city, is strict in its inspection of foods.

One man in the room wanted to know if poultry and beef weren't frequently kept so long that they had mould on them when taken out. Mr. O'Neill said very emphatically that this was not true.

Frank Harvey Field spoke for the fish dealers. He said that the price of fish is less now than it has been for twenty years and that the public can thank cold storage for reasonable prices and ample supplies. If it were not for cold storage, Mr. Field said, it would be impossible for New Yorkers to get fish for six months of the year. He was certain that the public is amply protected under the existing laws. laws.

Alderman Dowling took exception to Field's statement that the price of fish

said that the members of the Finance Committee acted as if they had started out with "a purpose to conceal rather than to disclose."

The Senator from Missouri predicted that the investigation would turn out to be a whitewash of the Aldrich-Payne as whitewash of the Aldrich-Payne said Mr. Field.

go down under the Williamsburg Bridge, said Mr. Field.

"That's not so," said Dowling sharply. "They have been driven out of business by the big grasping wholesalers. They haven't been able to pay the prices that the big dealers demanded."

Mrs. Sophia M. Loebinger, representing the Women's National Progressive Suffrage League, walked up the aisle and got the eve of Alderman Levine, who was presiding. Mr. Levine gave her the floor, and Mrs. Loebinger talked swiftly for a number of minutes

She said that a great number of women who are interested in wholesome foods were anxious to attend the hearing, but had, not received any reply to their re-

had not received any reply to their request to be permitted to come and speak. Alderman Levine said he was sorry that the reply had been mislaid. Mrs. I cebinger said she would forgive the Aldermen.

inger said she would forgive the Aldermen. and everybody smiled happily.

"We women who do the marketing are strongly in favor of Alderman Dowling's ordinance." she said. "Much that has been said here was irrelevant. The proposed ordinance will not interfere with cold storage in any way. It is not designed to hurt anybody's business. It merely says that people shall be informed just how long articles have been kept."

Mr. Field, for the fish men. said that nothing could be more harmful than a requirement that tags must be used on foods.

"Why it would scare the public to death," he said. "It would make people suspicious. It would work out just like a quarantine. You know how a man will avoid a house with a yellow or a red flag tacked on it."

Alderman Dowling said that he wanted everybody interested to have a say, but he served notice that he was going to drive the ordinance through the board.

"I'm going to use all the power and influence and ability I have got in obtaining this protection for the public," said the Alderman.

The next hearing will be at 1 o'clock next Wednesday afternoon.

POSED AS POLICE BOSS.

awyer Who Dreamed He Was Commis sioner Reynolds Is Jalled for It. John H. Kemple, who says he is lawyer of Roselle Park, N. J., was arrested in the Mulberry street station last night and locked up on the charge of personating Deputy Police Commissioner

Reynolds of Brooklyn. Lieut. Charles Becker was at the deal n the station house about midnight when Kemple entered and inquired the shortest way to Broadway. After getting the inormation the man said:

"By the way, you don't know who you're alking to, do you?" "No," answered Becker. "And really

"Well," Lieut. Becker says the man replied, "Ym Commissioner Reynolds of Brooklyn."

Brooklyn."

Becker insisted on seeing the Commissioner's oredeutials. When the man couldn't produce them he was arrested. At first he said he was John Kelly of 299 Twelfth street, Brooklyn, but when a commutation ticket made out in the name of Kemple was found on him he admitted his identity.

Baby Madeline Burned to Death.

COLUMBUS, Ohio, Feb. 9.—Bessie Longnecker, aged 7, a child known in the she world as "Baby Madeline," was burned to death last evening at her home here. The girl weighed 250 pounds and was said to be the largest child of her age that ever lived. Her mother, Mrs. James Longnecker, was badly burned in trying to save her.

STORED FOOD TAGGED FOR AGE AN INSURGENT FOR CONGRESS. Secretary Hayward of the National Com-

Democrat.

LINCOLN, Neb., Feb. 9.-William Hayward, secretary of the Republican national committee and chairman of the Nebraska committee, will announce to-morrow his candidacy for Congress on an insurgent platform from the First Nebraska district, now represented by John A. Maguire,

Mr. Hayward says he will oppose the eelection of Speaker Cannon and will favor amendment of the House rules "to the end that the power to legislate may be taken from the few and restored to the

He says that if the tariff bill does not prove a complete redemption of the party pledge it must be amended. He stands on the national platform save that he will oppose ship subsidy. He will be opposed in the primary by former Con-gressman Pollard and possibly two others.

TROLLEY SMASH KILLS GIRL. Car Coasts Down Slippery Track and

Jumps Curve at Foot of Grade. PITTSFIELD, Mass., Feb. 9.-Rails made slippery by frost were responsible for the death of one person and injuries to twenty others in a trolley car accident at Hins-

others in a trolley car accident at Hinsdale early to-day.

Miss Bessie Ryan of Hinsdale was killed.

There were 105 passengers on the car, which left Hinsdale for Dalton and this city at 6:15. About a mile west of Hinsdale there is a heavy grade, and at the foct of the hill the road takes a sharp turn.

The rails were slippery with frost, and when the car struck the heavy grade the brakes failed to hold. The car coasted down the grade, and when it reached the curve jumped the track and smashed into the abutment of a railroad bridge over the road.

THREE BURNED TO DEATH. Tenants of Upper Floors of Bank Build

WILLIAMSPORT, Pa., Feb. 9 .- Three lives were lost and three buildings in the business part of Jersey Shore, fourteer miles from here, were destroyed by fire early this morning. The loss to property amounts to \$50,000, partly covered by

insurance.

The dead are: A. L. Dravenstadt, Williamsport; Mrs. A. L. Dravenstadt, and the infant son of Mr. and Mrs. Richard O'Connor of Jersey Shore.

Mrs. John Sterner, who suffered a fractured skull, is not expected to live.

LACK THIRD ARBITRATOR. Two Chosen to Settle Railroad Labo Dispute Unable to Agree.

WARHINGTON, Feb. 9 .- A deadlock ha esulted between the two arbitrators recently selected by the committee of managers representing eight railroads with erminals at Chicago and representatives of the switchmen, following an appeal to Chairman Knapp of the Interstate Com-

chairman Knapp of the Interstate Commerce Commission and Commissioner of Labor Neill, the mediation board under the Erdman arbitration act.

The two arbitrations act.

San Francisco Railway Company, and San Francisco Railway the form Chicago that they were unable to agree on a third arbitrator and delegated that task to Chairman Knapp and Commissioner Neill. These two expect to have much difficulty in selecting a man who will be acceptable to both sides of the controversy.

The switchmen demand an increase in wages and certain changes in working hours. The controversy is important in that the agreement arrived at probably will have a bearing on the settlement of other controversies now on, and it is complicated by the fact that at the present time there are conferences on in Chicago between representatives of a large number of carriers and representatives of a large number of carriers and representatives of eighteen carriers with terminals in Chicago have been unable to reach any agreement, and information has reached this city that the men have voted for a

chicago have been agreement, and information has reached this city that the men have voted for a strike, but there will be a further meeting of both sides on Wednesday. It is possible that the whole question of increases of wages which has arisen on all the big railway systems of the country will come before the mediation board, which will suggest the appointment of three wholly disinterested men of national standing a arbitrators.

Plan to Restore Lands to the Public

WASHINGTON, Feb. 9 .- Secretary agriculture Wilson and Secretary of the interior Ballinger to-day submitted to the President a plan to restore to the unreserved public domain considerable areas of land which lie along the edges of and within forests and which are not of and within forests and which are not suited to forest purposes, having been included in reserves upon hasty and incomplete investigation. The plan also contains a general policy to be followed hereafter in making additions to forest reservations.

The Interior Department to-day withdrew from all form of entry pending examination and classification approximately 672,142 acres of land in Wyoming which is supposed to contain valuable coal deposits.

Movements of Naval Vessels.

WASHINGTON, Feb. 9 .- The cruiser Tacoma has arrived at Bluefields and the gunboat Helena at Siakwan.

The cruisers California, South Dakota, West Virginia, Colorado, Maryland and Pennsylvania and the supply ship Glacier have sailed from Honolulu for San Francisco and the cruisers Tennessee and Washington from Honolulu for Bremerton.

Minimum Rates Extended to Seven Cour

WASHINGTON, Feb. 9.-President Taft signed proclamations to-day extending the minimum rates of the American tariff the minimum rates of the American tariff law to seven countries after March 31, when the maximum and minimum feat-ures of the new law become operative. The proclamations signed to-day granted the minimum rates to Argentins, Panama, Mexico, Brazil, Paraguay, Uruguay and Liberia.

Wade H. Ellis Goes to Ohio To-day.

WASHINGTON, Feb. 9.-Wade H. Ellis the assistant to the Attorney-General who resigned to become chairman of the Republican State Executive Committee of Ohio, will leave Washington to-morrow afternoon for Dayton, Ohio, where the Republican State Central Committee meets Friday. Mr. Ellis will return to Washington Monday, it was said, and will be the guest of honor at the President's dinner

guest of honor at the next Tuesday night.

Savage Convicted of Murder. Edward Savage, a negro, was convicted vesterday afternoon in the Court of Over yesterday afternoon in the Court of Cyer and Terminer, Jersey City, of murder in the first degree for killing Mrs. Ada Snell, his sweetheart, with a knife at her home, 57 Montgomery street, that city, on October 19, 1909. The jury was out fifteen minutes. The trial lasted three days. The defence was insanity.

Supreme Court Justice Platzek refused esterday to set aside the discontinuance

E II THE THRONE OF KONONA

A Round Trip to a Throne

To the throne of Kosnovia and back again to humdrum ways, all in one short month—that is the unique experience of young Alexis Delgrado, in the newest story of love and daring.

## A SON OF THE IMMORTALS By LOUIS TRACY

THE ROAD OF A 1000 PERILS Who has achieved success after success with his extraordinarily popular novels. "The Wings of the Morning," "The Message," "The Stowaway," etc.

Alexis is part American and likes short cuts, consequently his thirty days of royalty are "full of a number of things." It is a big, wholesome story, full of swift climates, splendidly told-a story that finds the heart and fires the blood.

YOU May Take a Round Trip To a Throne by asking any bookseller today for A Son of the Immortals

Illustrations by Howard Chandler Christy

EDWARD J. CLODE, Publisher, New York

## GHETTO'S PRODIGY A THIEF

SOM FOR 30 DAYS CHAY

BOY OF SEVEN TONGUES SHORT CHANGED A WOMAN.

All Bills Just Green to Him, He Tells the Court That Convicts Him-He Is Ghock Schwagel, 18, From Jerusa lem, With Riches of Asia in His Brain.

They were chattering over on the East Side last night about the downfall of Ghock Schwagel, the eighteen-year-old boy, at whose feet have sat the pious and the learned since he came to 42 Essex

street from Jerusalem three months ago. Ghock had no liking for the Sultan's army and he got out of Palestine just in time to avoid conscription. When he set foot in America it was as if a cultured young Hebrew of several centuries ago ad stepped forward in time as well as

He came into Essex street with a knowledge of Hebrew and rabbinical writings that established him at once as a modern Camaliel in the Jewish quarter. had Sanskrit and Persian, Latin and Greek-Arabic too, for he had spent much of his life in his native Arabia. Within a week the exile had mastered nough English to qualify him for pediling lace work for an East Side concern With all his knowledge of Arabic, it was Ghock's failure to discriminate be tween Arabic numerals that brought him

nto Special Sessions yesterday on trial for petty larceny. Mrs. Amelia Hackart of 501 East Seventy-third street swore of 501 East Seventy-third street swore that Ghock sold her a garment for \$1 on February 1. She said she gave him a \$10 bill by mistake thinking it \$1. A few minutes later she discovered that she was \$9 short. She rushed out to the candy store around the corner to telephone the police and there she saw Ghock trying to get the \$10 bill changed. Ghock did not get the change, and Mrs. Hackart followed him until they came to a policeman. At the East Eighty-eighth street station Ghock was searched and the only \$10 bill he had was found in the lining of his coat.

The Yiddish court interpreter could

lining of his coat.

The Yiddish court interpreter could not get on with Ghock in ancient Hebrew yesterday, and Justice Zeller pleading that he unfortunately had left his Persian lexicon at home Ghock had to make demand of his English. He said he did not know the lady had given him til. He too thought it was a venter of the said he did not know the lady had given him til. He

said he did not know the lady had given him \$10. He too thought it was a \$1 bill. All bills were green to him he said, and nothing more:

The Rev. Dr. M. P. Mendes of 99 Central Park West wrote a letter to the Justices, asking for elemency. The Rev. Jacob Goldstein, a Tombs chaplain, also was interested in Schwagel. The court convicted, however, Justice Zeller saying:

"I take no stock in the requests for mercy for this man. I believe he is a shrewd, educated scoundrel."

Ghock was remanded for sentence.

TO MAKE PEARY REAR ADMIRAL enate Promptly Passes the Bill to Retire Him With That Rank.

WASHINGTON, Feb. 9.-The Senate today by unanimous vote and without debate passed the bill introduced by passed the bill introduced by Senator Hale to promote Robert E. Peary the explorer, to the grade of Rear Admiral of the navy and place him on the retired list. The advancement will place Commander Peary in the list of senior admirais and he will receive \$6,000 a year in pay. The Senate acted very promptly. The bill introduced by Representative pay. The Senate acted very promptly. The bill introduced by Representative Amos L. Allen in the House to make Peary a Rear Admiral had been referred to the Navy Department in the usual course of legislation for an opinion. The Senate Committee on Naval Affairs did not wait for any informal communication from Secretary Meyer, but promptly reported and passed the bill. The favorable report was made to-day shortly after the session began.

The bill as it passed the Senate will go to the House to-morrow, and it is expected that Representative Allen will permit the substitution of the Sénate bill for his own measure and the House will promptly pass it. President Taft stands ready to approve the bill.

It was stated at the Navy Department to-day that Secretary Meyer approved the measure. His approval of it had been unofficially made known to the committees of Congress. Secretary Meyer brought the matter to the attention of the other Cabinet members at the last meeting and it was generally approved.

the other Cabinet members at the last meeting and it was generally approved.

OUT OF ORDER, SAYS UNCLE JOE. Rules Against William Suizer George Washington.

WASHINGTON, Feb. 9.—"Is George Wash ington, the Father of his Country, out of inst order here?" indignantly demanded Rep-resentative William Suizer of New York Speaker Cannon banged his desk with the ivory gavel about six times. "In the present company he most decidedly is," he replied with emphasis. Whereupon the House roared and Mr. Sulzer took his seat with a grin.

"Let's make it Friday. In at a good and for such work."

Senator Carter's face was gradually taking on a hopeful expression when suddenly Senator Heyburn brushed away all doubt by saying that he would oppose the fixing of any day for the vote, adding that he was at work on a substitute to offer later. in the House of Representatives to-day.

the House roared and Mr. Sulzer took his seat with a grin.

This was the outcome of the discussion of a bill introduced by Representative Bartholdt of Missouri and authorizing the presentation to Emperor William of Germany of a bronze replica of the statue of Gen. Von Steuben now being erected in Washington.

Mr. Sulzer offered an amendment to

by Washington.

Mr. Suiser offered an amendment to give Emperor William an effigy of George Washington instead. It was after Speaker Dixon of Montana to establish the Glacier National Park, comprising 14,000 square against his amendment that he asked the question above quoted. The Burtholdt bill passed.

FINE ARTS IN THE HOUSE. Debate Over the Bill to Create a Fine Arts Commission for Washington.

WASHINGTON, Feb. 9.-Art for art's

sake was the question that vexed the nembership of the House of Representatives for three hours to-day. Congressional views on this subject are always of interest and to-day with the bill introduced by the scholarly Representative McCall of Massachusetts to create a commission on fine arts in the District of Columbia before the House was no ex-

Mr. McCall's proposition is for

Mr. McCall's proposition is fer the President to appoint a commission of seven artists of repute, "clothed with authority from Congress to decide tipon the location of statues and monuments, to help select the models and generally to advise upon questions of art."

Now this seemed a "simple sounding thing but it raised ructions. Representative Tawney of Minnesota, chairman of the House Committee on Appropriations, who is opposed to all commissions, whether they be for the uplift of art, the conservation of the forests or the determination of the price of sachet powder in Sitka, stormed for half an hour. He drew an appalling picture of government by commission and sketched the inevitable bankruptcy of the United States Treasury for artistic purposes. When he took his seat art for art's sake was groggy and about to take the count.

But Herbert Parsons and J. Van Vechten Oloott jumped into the breach at this critical moment and did a lot to help out.

Mr. Tawney backed J. Van Vechten

this critical moment and did a lot to help out.

Mr. Tawney backed J. Van Vechten up against the wall, however, when he asked him if he thought the statues in Washington were as good as anything abroad. With visions of rearing horses, particularly strong in the hind legs, and hat waving generals and admirals standing on pedestals all around the national Capitol, it was not to be expected that Mr. Olcott could answer right off the bat without visible effort.

He didn't. But after guiping a couple of times and casting up his eyes prayerfully for a fleeting moment, he replied gravely that "being an American, I will say that they are superior." Then he added plaintively: "But they could be made better still."

Mr. Tawney grinned with enjoyment. "Well," he said, "if our statues here in Washington are better than anything.

The young man testified that on August. The young man testified that on August.

better than anythin

washington are better than anything they have abroad I think they certainly are good enough. So I don't see why we should create this commission of fine arts."

Mr. Olcott grinned back at him and let should create this commission of fine arts."

Mr. Olcott grinned back at him and let it go at that.

Representative Driscoll of New York worked himself into quite a peevish state by discussing the Barry monument, which, he recalled to the House, was seathetic to the limit and had been approved by Mr. Roosevett's fine arts body, which afterward was sat upon by Congress. Mr. Driscoll intimated that if ever that particular Barry statue, which he explained is supposed to depict the history of Ireland by means of a lot of scantily clad folks chasing themselves around in a circle, is ever set up here in Washington, all loyal Irish in the United States will subscribe to a fund to erect an opposition effigy on another corner. "Give us an American statue of John Barry," cried Mr. Driscoll, "and not a history of Ireland on a fountain."

Some criticisms by Representative Campbell of Kansas of fine art commissions in general and in particular lifted half the Empire State delegation to their feet in defence of the art commission of New York city.

"Sir," cried Representative Goulden in shocked tones, "would you advocate turning art matters in New York over to the Board of Aldermen?"

"Not quite," replied Mr. Campbell gently, "although I think I have heard there are some—er artists on the board."

Mr. Goulden sat down again and cogitated. Finally after an enormous amount of general conversation the bill was amended by eliminating the compensation of \$500 per year per artist provided by the kindly Mr. McCall, and reducing the total appropriation to \$6,000 for travelling expenses, and passed.

Then the House, worn out with its labors for the uplift, at 5 o'clock adjourned until to-morrow.

until to-morrov

POSTAL SAVINGS BANK BILL. Senator Carter Valuly Tries to Have a Day Fixed for Taking a Vote.

WASHINGTON, Feb. 9. - Senator Carter, who is guiding the Administration postal who is guiding the Administration postal savings bank bill through the Senate, pleaded earnestly to-day for the fixing of a date by unanimous consent for taking the vote on the bill. Mr. Carter would have had the vote occur one week from to-day, but Senator Bailey of Texas interposed the suggestion that he desired to attack the measure on constitutional grounds and desired time to prepare.

Senator Carter then suggested February 23, but it was suggested that the date followed Washington's Birthday, and that some Senators had engagements to speak on the anniversary and might not get back in time to vote on the 23d inst.

inst.

Senator Balley said that "23" was an appropriate number to be identified with the disposition of the measure and added:
"Let's make it Friday. That's a good day

Very little time was devoted to the consideration of the postal savings measure to-day.

For a New National Park.

ACCUSED OF POISONING WIFE Physicians Testify at Maurice Lustig's Hearing at the Inquest.

Maurice Lustig, the former private detective, who is charged with the murder of his wife, Rhoda Irene, by strychnine poisoning, had a hearing at the inquest before Coroner Feinberg yesterday.

Mrs. Lustig died on October 28 last not long after her life had been insured for \$3,000. The police learned that Lustig had tried to increase the insurance. The day after the woman's death, at 14 East 116th street, Coroner Dooley got an anony mous letter saying that she died of strychnine poisoning. The shipment of the body to Milroy, Pa., was delayed until Dr. Charles Phillips of 4 West 115th street signed a certificate that death was from spinal meningitis.

A second anonymous letter to Coroner Dooley and the refusal of the insurance companies to pay the policies resulted in

companies to pay the policies resulted in the exhuming of the body and an autopsy that showed strychnine in the viscera. Lustig was arrested on January 3.

Dr. E. E. Smith of 28 East Twenty-ninth street testified yesterday that he found strychnine, but no indication of spinal meningitis. He said he attended the woman twice and that his prescriptions contained no strychnine. He arrived at his diagnosis of spinal meningitis by a process of exclusion, he said.

Dr. Isaac L. Plotz of 1722 Madison avenue, the first physician attending Mrs. Lustig in her last illness, said he observed symptoms he thought due to ptomaine poisoning, but the patient did no respond to the usual treatment.

Prior to Lustig's arrest he lived in a boarding house at 141 East Fifteenth street with a young woman known to the landlady as Mrs. Lustig:

The inquest will be continued to tay and to-morrow.

The young man testified that on August 15, 1907, he telephoned his mother that he had secured a job as a shoe salesman, and that the answer to his message was and that the answer to his message was taken over the phone by the Campbell girl, and when she communicated it to him they agreed to meet the same night. They had a summer night ramble through Central Park and on the following days they went over to Newark, N. J., and were married by a justice of the peace. The honeymoon lasted only two days, the bride, who was several years his senior, dismissing the boy abruptly from her home and promising to meet him in a week or so, but didn't, he said. According to Grunwald, she is now known as Clara Arms.

Clara Arms.
Justice Stapleton reserved decision.

New Interborough Car Depot for Brons George H. Pegram as architect filed plans with Building Superintendent Jones of The Bronx for the new car depot to be rected for the Interborough Rapid Transit Company at the northwest corner of Spuyten Duyvil road and 242d street. It is to be three stories high with exten-sions of one and two stories. It will be 530 feet long and 89 feet wide and is to cost \$100,000.

### If We Could Brew a Better Beer

we would do it. We have one of the largest breweries in the world; we have the machinery, the capital, the experience; we use the finest hops (mainly im-ported), the best malt, the purest water, to make

*Imperial* "Gold Label"

simply sparkle and glow with goodness and purity. Try it just once. Order it for your home. It is light, bright and clear—ideal

for your family. ORDER FROM ANY DEALER.
Bottled only by the Brewers.
BEADLESTON & WOERZ, New York.



